
A DDRESS OF HON. ELIHU ROOT TO THE
LEGISLATURE OF NEW YORK AC-
CEPTING HIS ELECTION TO THE UNITED
STATES SENATE, JANUARY 28, 1909. • • •

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Address of Hon. Elihu Root to the Legislature of New York Accepting His Election to the United States Senate, January 28, 1909.

"I have to thank you and I do thank you most sincerely for the very great honor which you have conferred upon me and for the great opportunity that you have set before me—to represent in the Senate of the United States the State of my birth and of my life.

"I shall do my best to justify your selection, with not too much confidence in the result, because I do not think that as a rule lawyers who have been many years at the bar and whose habits have become fixed make very good legislators when they are not caught young, and I have a rather uncomfortable sense that it will be quite impossible for me to live up to the many kindly and delightful things that have been said about me by my friends in the State of New York during the past few months.

"I have come to Albany in the hope of meeting the men who are leaders of opinion and of political action in the State of New York and who are, as they ought to be, in the two houses which legislate for the State.

"It is my strong desire to get into touch with you as the representatives of the people in the State Legislature. I have been for the greater part of the past ten years in Wash-

ington, engrossed in the affairs of the national Government which have lain outside even of the limits of the United States, and I feel that I am a little out of touch with the current affairs of the State.

"I should like to get back into the same knowledge and familiarity with them that I had years ago when I was here within the State all the time. And I should be glad to establish such a personal relation of acquaintance with every member of the Senate and the Assembly that if you have anything to say to me as your Senator in Congress you will feel at liberty to do so and that if I have anything to say to you I shall feel at liberty to say it. (Applause.)

"I mean this not merely with regard to the filling of offices (laughter), although every Senator of the United States is charged with the duty of representing his State in regard to appointments to Federal office from that State and in that State. He is a part of the appointing power, and it is his duty to see that as far as the exercise of his office, in vote and in advice, is concerned his State has the benefit of its citizens' knowledge of character and reputation in their own communities, so that if a man has lived a good and useful and active life, is respected by his neighbors, is esteemed by them worthy of honor and capable of performing useful public service, this may be made known to the President in Washington through the voice of his representative in the Senate of the United States.



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"But I mean more than that. Our Government is becoming complicated in a very high degree. Difficult questions are continually presented which affect the interests of every State, and the wide and immense and varied interests of the State of New York are particularly liable to be affected by a great variety of measures which come before the national Congress. I would be glad to have you express your opinions upon all measures which appear to you to affect the interests of the State.

"I shall be glad to be at liberty to consult you freely, as occasion offers, upon the practical operation of measures pending before the national Congress.

"If you think it will be beneficial to the State of New York, for example, as I now think it would be, to have a parcels post provision included in our postal laws (applause) so that the 39,000 rural free delivery carriers instead of driving around the country with empty buggies, as they do now, shall earn enough to pay their salary by carrying small packages to the people they serve—if you think that would be beneficial to the interests of the State of New York, I should be glad to have you say so, and if you think I am wrong in that I should be glad to have you say it.

"There is more to be considered, however, than the mere interest of the State of New York in the relation which exists between you and your Senators in Congress. The different States of the Union are no longer isolated communi-

ties. They are welded together in their interests, business and social, and the action of every one is felt upon every other. The interests of every one are bound up in the prosperity and the welfare of every other.

“With the great and complicated problems which are pressing upon our national Government, it is becoming every year more apparent that the people of no State can live to themselves alone, and that they have set before them as the highest of duties, the obligation to contribute their share to the solving of the great national problems for the maintenance and furtherance of that common interest which is vital to the people of every State but confined by the limits of no State.

“Upon these great questions I ask your help in the performance of those duties which you have imposed upon me.

“The intimate connection between the people of every locality and of every other State, largely brought about by the increase of communication, the passing to and fro of the trains upon our great railroads, the telegraph and the telephone, the extension of business which knows no State lines, and the substitution of great national centres of business for the old State centres of business, the development of commercial and manufacturing and social life along national lines, has forced upon the national Government the performance of a great variety of duties which formerly were performed by the States within the limits of their comparatively isolated communities.

"By the exercise of the powers granted in the interstate commerce clause of the Constitution the national Government is extending its power over the operation of our railroads, our steamship lines, our telegraph, our express companies. By the exercise of the taxing power it is regulating the action of the people all over the country, as for instance in the oleomargarine act. By the exercise still again of the commerce power it is controlling the adulteration of food and deceptive practices in the sale of food, as in the pure food law.

"The activities of the general Government are continually widening, step by step, covering ground formerly occupied by State action.

"That is not a matter of what we wish or what we do not wish; it is not a matter of political programme or platform; it is plain fact to be seen by any one and a fact to be considered.

"There is one advantage, a great advantage, which has come from it, is coming from it; that is, that we are acquiring effective control over the great developments of business activity in our country in many directions to a degree which could not be possible by State action that we have growing a strong, virile, competent and effective national Government; that we have built up a great national power respected and honored throughout the world; that America is a name for pride and satisfaction; that from all external

attack this powerful national Government protects, and effectively protects, our homes, our families and our lives.

"But there are two dangers coming with this same development. One is the danger that the national Government will break down in its machinery through the burden which threatens to be cast upon it. This country is too large, its people are too numerous, its interests are too varied and its activity too great for one central Government at Washington to carry the burden of governing all of the country in its local concerns, doing justice to the rights of the individual in every section, because that justice can be done only through intelligent information and consideration.

"And the mass of business that is now pressing upon the legislative and executive and judicial branches of our Government in Washington seems to have come about to the limit of their capacity for the transaction of governmental business.

"The other danger is the danger of breaking down the local self government of the States. After all, the thing that we have government for is ultimately the preservation of our homes and our individual liberty. And we ought to be at liberty to regulate the affairs of our homes in accordance with our own ideas.

The tendency to vest all powers in the central government at Washington is likely to produce the decadence of the powers of the States. Now, do not misunderstand me. I am a

convinced and uncompromising nationalist of the school of Alexander Hamilton. (Applause.)

"I believe in the exercise of the executive, the legislative and the judicial powers of the national Government to the full limit of the constitutional grants, as those grants were construed by John Marshall, and would be construed by him to-day. (Applause.)

"But I believe that the founders of the Republic builded more wisely than they knew, when they set the limits between the exercise of that national power and the exercise of the local powers of the States. And while I believe in the exercise of the national power throughout the province of the constitutional grants of national power, I believe also in the preservation of State power within the limits of its constitutional authority.

"Further than that, I believe that the essential quality of free government is to be found in the observance by all public officers of the limitations set by law upon their powers. Once admit the right of public officers to disregard limitations upon their powers and you are launched on the course by which good men come to be benevolent despots, with the inevitable corollary that bad men have the opportunity to become tyrannical dictators.

"Evidently, if the powers of the States are to be preserved and their authority is to be continued, the States must

exercise their power. The only way to maintain the powers of government is to govern.

“Let me say that the men who make the most noise about State rights are very apt to be the men who are the most willing and the most desirous to have the national Government step in and usurp the functions of a State when there is an appropriation carried with the usurpation.

“The men who are found opposing the maintenance of the authority of the treaty provisions of the United States made under the express grant of power in the Constitution are apt to be the very men who are anxious to have the Government come into their States and spend no end of money in doing the things that the States ought to do themselves in the exercise of their powers. But the invitation of the national Government to assume this and that duty within the limits of a State is an invitation to set up national power to the ultimate exclusion of State power.

“Because I believe in maintaining the two grants of power of the Constitution, maintaining the national power to its full limit and still preserving the State power, I am opposed to everything that tends to belittle, to discredit or to weaken the authority of the Legislature of the State.

“You cannot take power away from public bodies without having the character of those bodies deteriorate. For this reason I am opposed to the direct election of Senators, as I am opposed to the initiative and referendum, because these

things are based upon the idea that the people cannot elect Legislatures whom they trust.

"They proceed upon the idea of abandoning the attempt to elect trustworthy and competent State Legislatures. But if you abandon that attempt, if you begin to legislate or to amend constitutions upon that theory, what becomes of all the other vast powers of the State Legislatures, in maintaining the system of local self-government under the Constitution?

"If the people of any State are not satisfied to trust their Legislature to discharge the constitutional duty of electing Senators, let them cure their own faults and elect a Legislature that they can trust. Ultimately, in the last analysis, we must come down for successful government to the due performance of the citizens' duty at the polls, and there is no reason to believe that the citizens would perform their duty in the direct election of Senators or in voting upon the initiative or the referendum any better than they perform it in the election of members of the Senates and the Assemblies of the States. I am opposed to all steps that proceed upon the theory that the people of our States are to abandon the duty of making their State Legislatures able and honored bodies competent to perform the great duties of legislation for those great commonwealths. (Applause.)

"Let me say another word which directly bears upon the relations between the performance of your duties and the

performance of duties in the body to which you have sent me. The intimate relations between the people who live on one side and the other of different State lines, and the increasing interdependence of people upon each other in wide communities that are not determined by State lines, have created a situation where, in the exercise of a great many of the powers that are reserved in the Constitution to the States, regard ought to be had, not merely to the direct interests of the people within the limits of the State, but also to the claims of neighborhood, the comity that should exist between different communities, the necessity for adjustment of relative rights and interests.

"In other words, there is occasion to consider the relations of different States or different communities in different States in the exercise of your powers as well as in the exercise of the national powers.

"Take for example the question about the pollution of the harbor of New York, with New York on one side and New Jersey on the other. It is not a subject I have studied, but it is a subject which I observe is up for consideration. I believe suit has been brought by the Attorney-General of the United States regarding it.

"The States of New York and New Jersey ought to agree upon a reasonable and just solution of the subject without any lawsuit from the Attorney-General of the United States.

"There are coming up continually questions in which the

legislation of one State will vitally affect the interests of another. Upon those questions it ought not to be necessary for people to press the national Government to come in and usurp the functions of the State in order to have uniformity of treatment on the subject. The States themselves ought to concur, consult, exercise consideration and good neighborhood toward each other in the performance of State functions in matters which affect other States.

"The Constitution contemplates such situations, for it provides that States may make agreements with each other by the consent of Congress. It is not necessary that Congress shall come in to stretch and strain its authority, but just in so far as the States neglect to perform their duties in such matters, just so far they invite the pressure upon Congress to lead it to attempt to remedy the evils by stretching the national authority.

"We have much to learn. We have much to do. The growing complications and many problems continually presenting themselves and taxing the best thought of the most experienced public servants; the problems of the future, the solutions of which are still undiscovered; the other problems certain to rise that we have not yet discerned—all these are making it more and more vital to the interests of every home in every State that the public servants of the State and the nation shall co-operate in the performance of the functions of

government with a spirit of good citizenship, of patriotism and of loyalty to the Constitution under which we live.

"To that co-operation jointly with you I pledge myself for the next six years, if I live so long.

"I thank you for your kind attention."

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